

Deborah Luzier, AICP  
GRW Engineering

K.K. Gerhart-Fritz, FAICP  
The Planning Workshop

# TOP TEN

*Reasons it's Time to  
Update Your Ordinances*





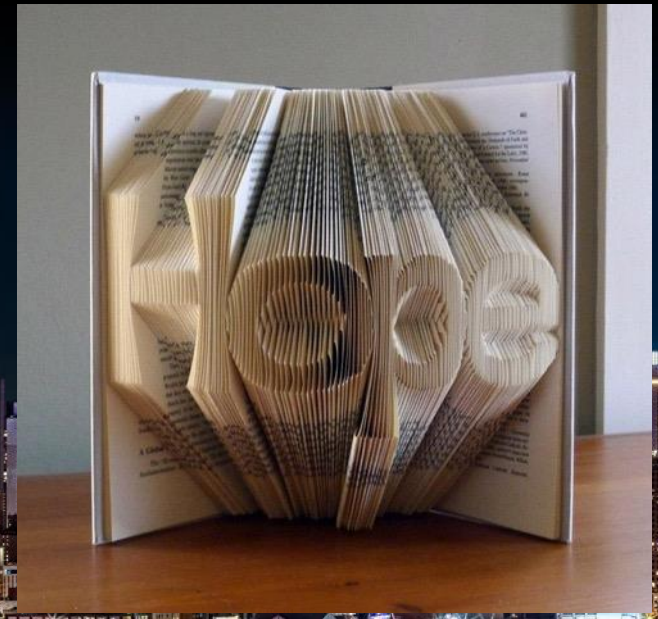
## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**10. Your Zoning Ordinance and  
Subdivision Control Ordinance  
are still two separate  
documents.**



10. Your Zo and SCO are still two separate documents.

- State Statute now enables the use of a Unified Development Ordinance.
- A UDO can become an efficient reference manual for staff, developers, and the public.
- Definitions can be consolidated into a single chapter to prevent confusion and conflict.





## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**9. Your County Commissioners or  
Town Council are approving  
new subdivisions.**



### **9. Your legislative body is approving new subdivisions.**

- State Statute lays out the role of each body in the various approval processes (*PC, BZA, Legislative Body*)
- Many ordinances still contain improper approval processes.
- Once ordinances are adopted, the legislative body has no input on how conforming development occurs.
  - PC: comprehensive plans, subdivisions, & development plans (*optional*)
  - BZA: variances, special exceptions, & appeals
  - Legislative Body: text amendments, rezonings, & PUDs





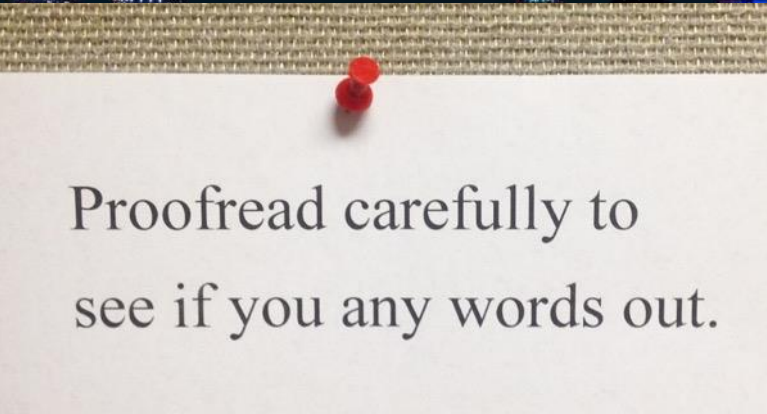
## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**8. The text of your last amendment still has the name of the town you “borrowed” it from.**

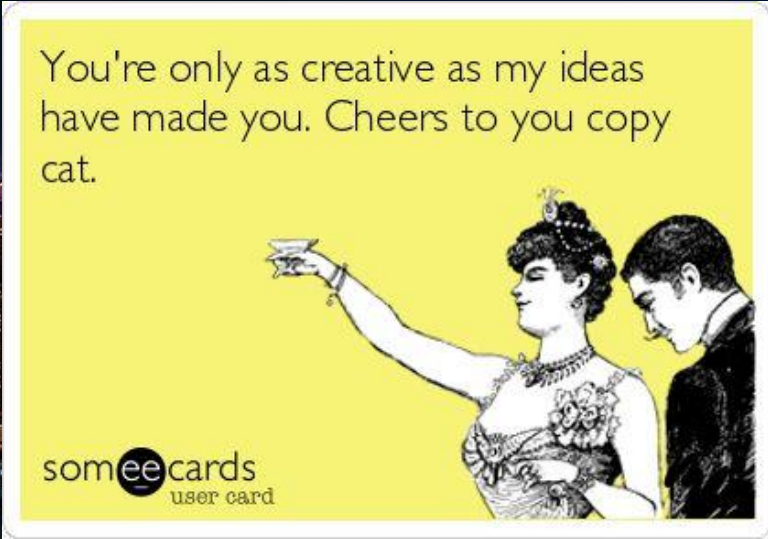


8. The text of your last amendment still has the name of the town you “borrowed” it from.

- Not all text is transferrable! (*Know the ABCs of your APCs*)
- Make sure your amendments are relative to what your COMMUNITY wants to achieve.
- Make sure your amendments are relative to what your STAFF can administer/enforce!
- Proofread!



Proofread carefully to  
see if you any words out.



You're only as creative as my ideas  
have made you. Cheers to you copy  
cat.

som<sup>ee</sup>cards  
user card





## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**7. Your current Ordinances are older than your oldest Plan Commission member.**



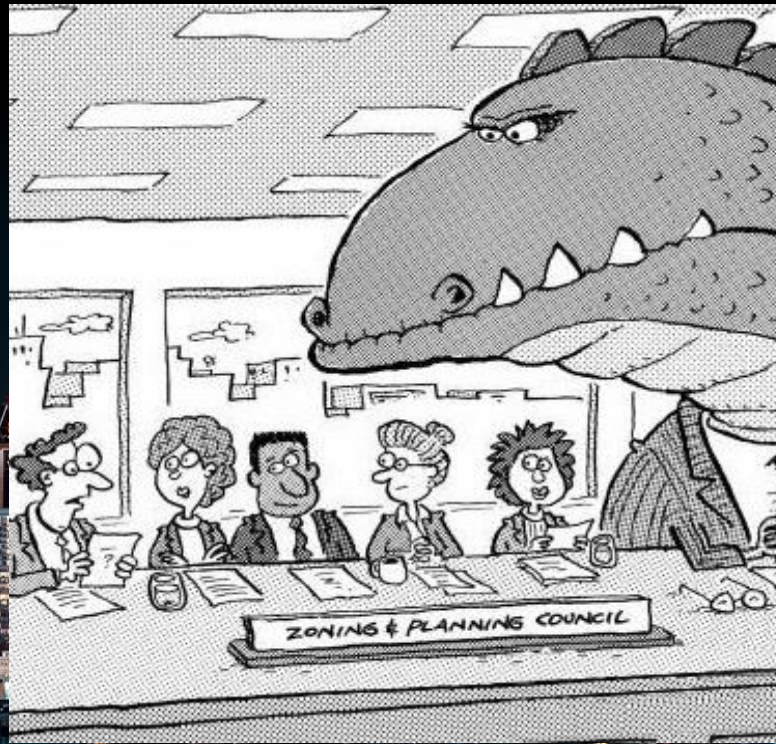
**7. Your current Ordinances are older than your oldest PC Member.**

- Your code books should not be on stone tablets or in a typewriter format
- State & Federal laws change—so municipal and County laws must often change too
- You may have interpretive issues, as most if not all of your original board members and staff contributors have retired or moved elsewhere



**7. Your current Ordinances are older than your oldest PC Member.**

- Your community may have new utilities and service areas, facilities and providers
- Architects, planners, engineers, and attorneys are no longer the only contributors







## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**6. Wireless Communication  
Towers are not even mentioned  
in your Ordinances.**





## 6. Wireless Communication Towers are not even mentioned.

- Chances are, if these types of facilities aren't mentioned, then these aren't either:
  - Wind towers and turbines, solar panels and fields, drones, Airbnb and VRBO, tiny homes, mobile retail and service centers, Uber and Lyft, electric and hybrid vehicles and their charging stations—and coming soon: autonomous vehicles.
  - Other activities are making a comeback in urban settings, such as agricultural uses (community gardens, chickens, beekeeping, etc.)





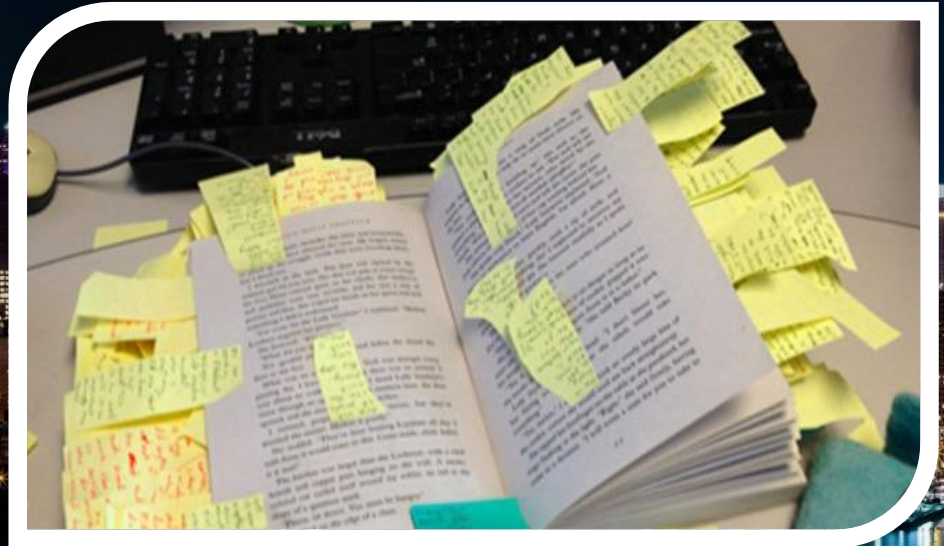
## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**5. The Planner's copy of the Zoning Ordinance has doubled in weight because of all the post-it notes.**



**5. The Planner's copy of the Zoning Ordinance has doubled in weight because of all the post-it notes.**

- Home rule has been diminished—yet unfunded mandates are being heaped onto locals
  - Waiting too long to make changes to codes can cause code conflicts
- Local attorneys love coming to your BZA and PC meetings
  - Much has been left open to interpretation – the “grey area”
  - More board meetings and cases = larger margins for error
  - Your review processes may be out-of-date





5. The Planner's copy of the Zoning Ordinance has doubled in weight because of all the post-it notes.

- You have too many zoning districts, and repetitive (and sometimes) conflicting text
- You may also have uses and activities that are popping up in the community that your ordinances don't address adequately, if at all – *Residential Recovery Homes*





## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**4. Your heavy industrial district still allows for residential development (and is the hiding place for NIMBYs and LULUs)**



**4. Your heavy industrial district till allows for residential development.**

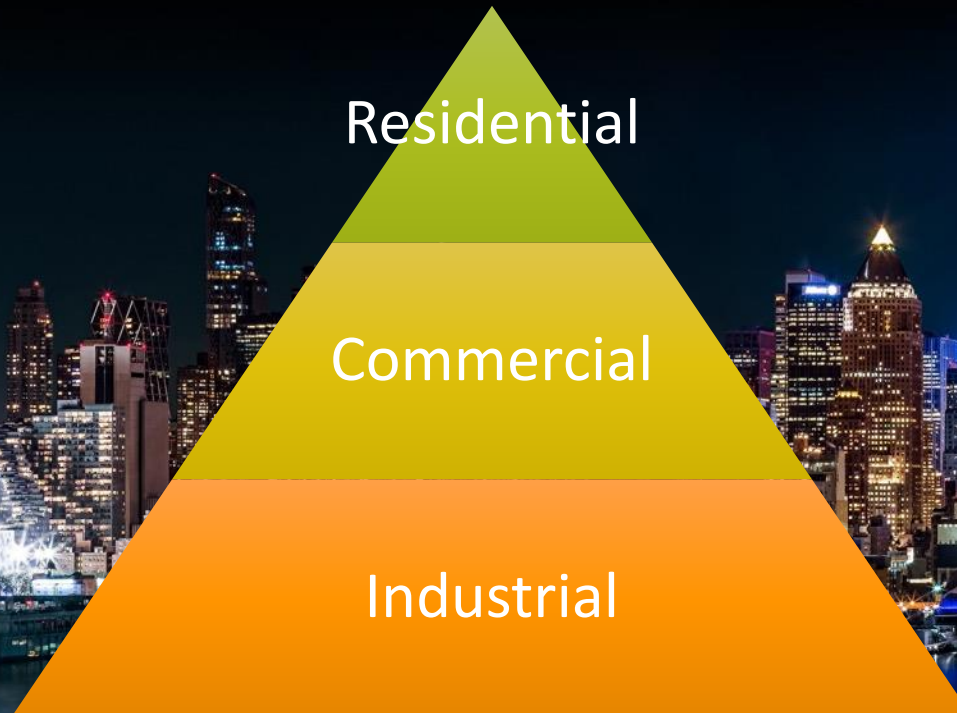
- Developed for when industry was really dirty.
  - Is industry still dirty??





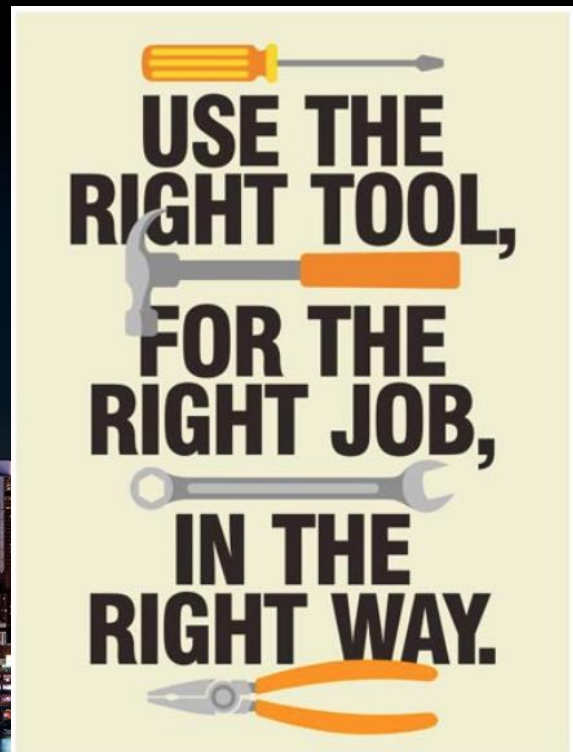
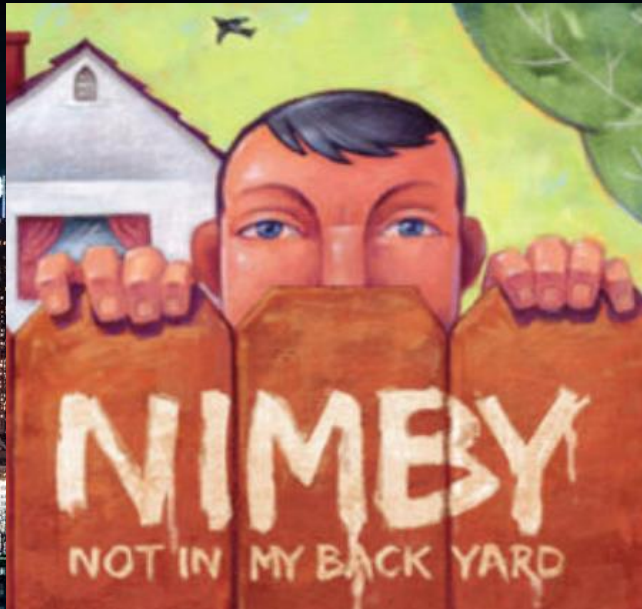
*4. Your heavy industrial district till allows for residential development.*

- Cumulative zoning operates on a "maximum nuisance" principle, unlike Euclidean zoning which focuses on separate land use.
- Heavy Industrial is “highest” or most intense district, so all other lower district uses are allowed.
- In cumulative zoning you could build homes in industrial zones, but couldn't build industrial buildings in residential zones.



4. Your heavy industrial district till allows for residential development.

- Today:
  - Zone is hiding place for NIMBYs and LULUs like Residential Recovery facilities
  - Should we just call it “**Stuff we Don’t Like Zoning District**”?
- Solution:
  - Clean up use charts
  - Add districts, overlays if needed





## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**3. Your parking standards are so broad, asphalt has become the primary cash crop in your community.**



**3. Your parking standards are so broad, asphalt has become the primary cash crop in your community.**

- Most ZO's still have minimum parking standards.
- Many retailers go far beyond what is necessary (Black Friday Parking).
- Excess impervious surface a drainage problem for local government.



**3. Your parking standards are so broad, asphalt has become the primary cash crop in your community.**

- We often rely on industry manuals (ITE's *Trip Generational Manual* and *Parking Generation Manual*).
- That data comes from suburban locations that often have little pedestrian traffic.
- *Smart Growth America's* 2017 "*Empty Spaces*" report studied 5 mixed-use projects and all 5 had peak parking occupancy of < 50% of ITE parking supply guidelines.

**TOD housing generates 50% less traffic than conventional housing**

ITE Trip Manual  
6.67 trips per unit

Detailed counts  
of 17 residential TODs  
3.55 trips per unit





### 3. Your parking standards are so broad, asphalt has become the primary cash crop in your community.

- Uber/Lyft, transit, biking and walking to these destinations means less parking required now than ever before.
- Driverless cars mean even less parking needed in future.

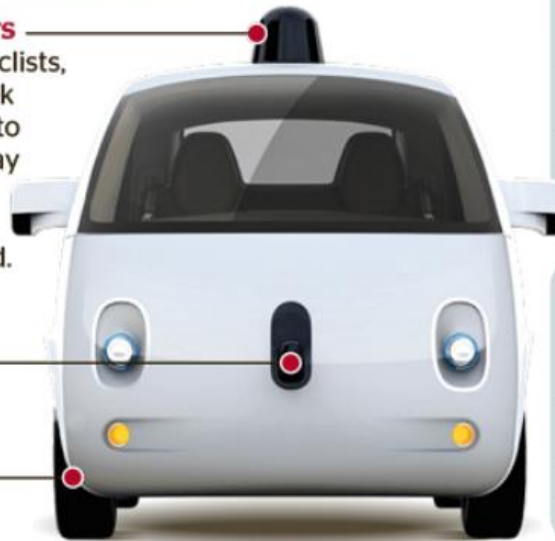
#### Google, you can drive my car

How the self-driving technology works

**Software and sensors** — detect pedestrians, cyclists, vehicles and road work from a distance of up to two football fields away in all directions. Vehicle's motion and balance is also tracked.

**Radar** — Measures the speed of vehicles ahead.

**Rounded shape** — Maximises the field of view for sensors.



#### The pros

Accidents could decrease

Disabled and elderly could gain independence

Inner-city parking may improve

Carbon emissions and congestion may decrease



#### The cons

Cars would become more expensive

Taxi drivers and chauffeurs may lose jobs

New safety risks may arise

Public transport use may decline



SOURCE: GOOGLE, WAYMO, SUBMISSIONS TO THE PARLIAMENTARY INQUIRY INTO DRIVERLESS CARS



**3. Your parking standards are so broad, asphalt has become the primary cash crop in your community.**

- Solutions:
  - Reduce minimum # of spaces,
  - Set maximum parking space standards
  - Set maximum impervious surface area
  - Add required bike parking
  - Designate ride drop-off/pick-up points





## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**2. Your BZA hears variances every month (and grants them all because it's their "job").**

## **2. Your BZA hears variances every month.**

- Variances are a needed relief valve for Zoning Ordinance: **not black and white, but shades of grey**
- Déjà vu on the applications – same variances, over and over?
- BZA grants them because it is their “job”





## 2. Your BZA hears variances every month.

- Solutions:
  - Train your BZA
  - Strengthen variance criteria! Add “minimum necessary” and “reason not caused by owner” additional criteria
  - Define variance terms
  - BZA regularly recommends areas of ordinance to be reviewed
  - UPDATE THE ZONING ORDINANCE as needed to correct the problems – don’t be lazy





## TOP 10 SIGNS IT'S TIME TO UPDATE YOUR ORDINANCES

**1. Your PUD district currently serves  
as your mixed use zoning  
district.**





1. Your PUD district currently serves as your mixed use zoning district.

What people think a PUD is...

- **Adjective:** An act so dumb it defies creation's purpose. A stellar foul up
  - *Forgetting to run the legal ad was a total PUD thing to do.*

**The Online Slang Dictionary**

**DEFINITION OF PUD**

**(not found in your Zoning Ordinance  
Definitions Chapter)**





1. Your PUD district currently serves as your mixed use zoning district.

What people think a PUD is...

- **Noun:**

- **A Male Sexual Organ.** *Enough said...*
- **An annoying person or loser.** *That Commissioner is such a PUD.*
- **A person who is being a d\*ck.** *The developer was being a PUD at the public hearing.*



THE FOLLOWING **PREVIEW** HAS BEEN APPROVED FOR  
**ALL AUDIENCES**  
BY THE MOTION PICTURE ASSOCIATION OF AMERICA, INC.

THE FILM ADVERTISED HAS BEEN RATED



[www.filmratings.com](http://www.filmratings.com)

[www.mpaa.org](http://www.mpaa.org)

1. Your PUD district currently serves as your mixed use zoning district.

- Stop abusing your PUD!
- PUD's a way to thwart zoning district standards (a “write your own” zoning district)
- Intended to facilitate creative land use, like mixed-use
- PUD district currently serves as mixed use zoning district by default
- Mixed Use Districts one of recommended Smart Growth Ordinance fixes – deserves to be a district

**Solution:** Adopt a Mixed-Use Zoning District and set minimum standards for PUDs





Deborah Luzier, AICP  
GRW Engineering

K.K. Gerhart-Fritz, FAICP  
The Planning Workshop

# TOP TEN

*Reasons it's Time to  
Update Your Ordinances*

